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EXAMINER

CHOUDHURY, AZIZUL Q

ART UNIT PAPER NUMBER

2143

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/728,724

Applicant(s)

BELLARE ET AL.

Examiner

Azizul Choudhury

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

***Detailed Action***

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirsch (US Pat No: US005870546A).

1. With regards to claim 1, Kirsch teaches a method for a first server to select content to be displayed on a computer accessing a Web site of a second server, comprising the steps of: collecting user identification data from the computer accessing the Web site; sending the collected user identification data to the first server; retrieving user information corresponding to the user identification data from a database of user information accessible to the first server; applying the retrieved user information to a rule base including a plurality of rules; selecting content to be displayed on the second server's Web site based upon a result of the application of the retrieved user information to at least one of the plurality of rules, and causing the Web site to display the selected content to the accessing computer (Kirsch discloses a design where user specific to the user is obtained from a user's client machine (column 5, lines 25-45). A database is present within Kirsch's design to allow for the storage of such data external to the server (figure 2 and column 7, lines 8-12). In addition, the claimed actions of viewing contents of a

second website from a second server when the client accesses only the first server is contained within Kirsch's design (column 5, lines 25-45). Furthermore, when accessing the services of the second server, the user data is already accessible by the second server as claimed (column 5, lines 51-57). Such processes inherently require the use of rules).

2. With regards to claim 2, Kirsch teaches a method wherein at least one of the plurality of rules is customizable (Kirsch's design allows for the modification of the servers' programs (column 5, line 65 – column 6, line 3)).

3. With regards to claim 3, Kirsch teaches a method wherein the user identification data is included in at least one file stored on the accessing computer (It is inherent that such data is stored in the client machine, for instance within the cache. Furthermore, Kirsch states that the client machine have means by which to store user data (column 7, lines 8-12)).

4. With regards to claim 4, Kirsch teaches a method wherein the at least one file is configured as a cookie (It is inherent that a network will allow for data to be stored in the client machine. Especially a client machine on the Internet using a web browser (column 6, lines 36-50)).

5. With regards to claim 5, Kirsch teaches a method wherein the causing step includes a step of sending the selected content to the second server (Content is sent to the second server as claimed (column 5, lines 25-45)).

6. With regards to claim 6, Kirsch teaches a method wherein the second server further carries out a step of integrating the selected content into the Web site displayed to the user (The client performs it's tasks with the second server through the connection established with the first server (column 5, liens 25-45) (figure 3). Furthermore, Kirsch states that the design allows for

the process to be simplified for the user (client) by minimizing noticeable redirection (column 5, lines 45-51). Hence, it is inherent that the content to be viewed by the user (client) would be integrated into the website page being viewed).

7. With regards to claim 7, Kirsch teaches a method wherein the second server further carries out a step of transmitting the selected content to the accessing computer and wherein a browser running on the accessing computer integrates the selected content into a currently displayed page of the Web site (As stated above, the client performs it's tasks with the second server through the connection established with the first server (column 5, lines 25-45) (figure 3). Furthermore, Kirsch states that the design allows for the process to be simplified for the user (client) by minimizing noticeable redirection (column 5, lines 45-51). Hence, it is inherent that the content to be viewed by the user (client) would be integrated into the website page being viewed).

8. With regards to claim 8, Kirsch teaches a method wherein the transmitting step is carried out via HTTP and TCP/IP (Kirsch's design uses a network with HTTP and works with the Internet, hence TCP/IP is inherently present (column 6, lines 36-50)).

9. With regards to claim 9, Kirsch teaches a method wherein the causing step includes a step of sending to the second server an address of the selected content (The URL which contains the address and descriptions regarding the content to be viewed is transferred from the client to the first server and on to the second server (column 5, lines 25-45)).

10. With regards to claim 10, Kirsch teaches a method wherein the second server carries out a step of fetching the selected content at the address sent by the first server and integrating the fetched selected content into a currently displayed page of the Web site (As stated earlier, the

URL which contains the address and descriptions regarding the content to be viewed is transferred from the client to the first server and on to the second server (column 5, lines 25-45). The client is accessing the service/content from the second server and the second server is providing the service/content, hence it must be viewable on the Website page. Furthermore, Kirsch's design uses the Internet and HTTP, so the data is viewable on a Website page (column 6, lines 36-50). Also, Kirsch states that the design allows for the process to be simplified for the user (client) by minimizing noticeable redirection (column 5, lines 45-51). Hence, it is inherent that the content to be viewed by the user (client) would be integrated into the website page being viewed).

11. With regards to claim 11, Kirsch teaches a method wherein the second server sends the address of the selected content to the accessing computer and wherein the accessing computer fetches the selected content at the address sent by the second server and integrates the fetched selected content into a currently displayed page of the Web site (The URL which contains the address and descriptions regarding the content to be viewed is transferred from the client to the first server and on to the second server (column 5, lines 25-45). All parties participating in the processing of the network task thus possess the URL. Furthermore, Kirsch states that the design allows for the process to be simplified for the user (client) by minimizing noticeable redirection (column 5, lines 45-51). Hence, it is inherent that the content to be viewed by the user (client) would be integrated into the website page being viewed).

12. With regards to claim 12, Kirsch teaches a method wherein the content includes at least one of an advertisement, a product recommendation and a link to another Web site (Kirsch's design contains a networks that connects to the Internet and follows HTTP protocol (column 6,

lines 36-50). It is inherent that all data that is normally transferred through a network, is transferable within Kirsch's design that includes advertisements, links and recommendations as claimed).

13. With regards to claim 13, Kirsch teaches a method wherein the selected content includes a combination of the product recommendation and a deep link into said another Web site where the recommended product is featured (Kirsch's design contains a networks that connects to the Internet and follows HTTP protocol (column 6, lines 36-50). It is inherent that all data that is normally transferred through a network, is transferable within Kirsch's design that includes recommendations and deep links as claimed).

14. With regards to claim 14, Kirsch teaches a method wherein an applicability of at least one of the plurality of rules of the rule base is selectively limited by at least one parameter (Kirsch's design allows for the server to have its program modified (column 5, line 65 – column 6, line 3)).

15. With regards to claim 15, Kirsch teaches a method wherein the at least one parameter includes time, date, geography, age, sex, income level, browser type and record of past purchases or inquiries (Kirsch's design allows for the server to have its program modified (column 5, line 65 – column 6, line 3)).

16. With regards to claim 16, Kirsch teaches a method further comprising the step of updating the database of user information based upon an activity of a user of the accessing computer (User data may be stored (column 5, lines 50-57) (column 7, lines 8-12) and it is stated that the data stored persistently).

17. With regard to claim 17, Kirsch teaches a method wherein the sending step sends a request for the selected content along with the collected user identification data (The URL which

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contains the address and descriptions regarding the content to be viewed is transferred from the client to the first server and on to the second server (column 5, lines 25-45). It is available to the client still and the URL also contains user data).

18. With regards to claim 18, Kirsch teaches a system comprising: a merchant Web server; an affiliate Web server, the affiliate Web server being coupled to the merchant Web server over a computer network; a database of user information accessible to the merchant Web server; a rule base including a plurality of configurable rules, the rule base being accessible to the merchant Web server; a first process to collect a user identification from a computer accessing a Web site controlled by the affiliate Web server and for sending the collected user identification to the merchant Web server along with a request for content; a second process for retrieving user information from the database corresponding to the collected user identification, and a third process for applying user information obtained from the database to the plurality of rules and for returning selected content to the affiliate Web server in response to the request for content, the returned content: being selected based upon a result of applying the user information to the plurality of rules (Kirsch discloses a design where user specific to the user is obtained from a user's client machine (column 5, lines 25-45). A database is present within Kirsch's design to allow for the storage of such data external to the server (figure 2 and column 7, lines 8-12). In addition, the claimed actions of viewing contents of a second website from a second server when the client accesses only the first server is contained within Kirsch's design (column 5, lines 25-45). Furthermore, when accessing the services of the second server, the user data is already accessible by the second server as claimed (column 5, lines 51-57). Such processes inherently require the use of rules).



19. With regards to claim 19, Kirsch teaches a system wherein the user identification data is included in at least one file stored on the accessing computer (It is inherent that such data is stored in the client machine, for instance within the cache. Furthermore, Kirsch states that the client machine have means by which to store user data (column 7, lines 8-12)).

20. With regards to claim 20, Kirsch teaches a system wherein the at least one file is configured as a cookie and wherein the first process is configured to retrieve the cookie from the accessing computer (It is inherent that a network will allow for data to be stored in the client machine. Especially a client machine on the Internet using a web browser (column 6, lines 36-50)).

21. With regards to claim 21, Kirsch teaches a system wherein the third process is further configured to send the selected content to the affiliate Web server (Content is sent to the second server as claimed (column 5, lines 25-45)).

22. With regards to claim 22, Kirsch teaches a system wherein the affiliate Web server is further configured to integrate the selected content into the Web site displayed to the user (The client performs it's tasks with the second server through the connection established with the first server (column 5, lines 25-45) (figure 3). Furthermore, Kirsch states that the design allows for the process to be simplified for the user (client) by minimizing noticeable redirection (column 5, lines 45-51). Hence, it is inherent that the content to be viewed by the user (client) would be integrated into the website page being viewed).

23. With regards to claim 23, Kirsch teaches a system wherein the affiliate Web server is further configured to transmit the selected content to the accessing computer and wherein a browser running on the accessing computer is configured to integrate the selected content into

the Web site displayed to the user (As stated above, the client performs it's tasks with the second server through the connection established with the first server (column 5, lines 25-45) (figure 3). Furthermore, Kirsch states that the design allows for the process to be simplified for the user (client) by minimizing noticeable redirection (column 5, lines 45-51). Hence, it is inherent that the content to be viewed by the user (client) would be integrated into the website page being viewed).

24. With regards to claim 24, Kirsch teaches a system wherein the affiliate Web server is configured to transmit the selected content via HTTP and TCP/IP (Kirsch's design uses a network with HTTP and works with the Internet, hence TCP/IP is inherently present (column 6, lines 36-50)).

25. With regards to claim 25, Kirsch teaches a system wherein the selected content includes an address of content to be displayed on a Web site controlled by the affiliate Web server (The URL which contains the address and descriptions regarding the content to be viewed is transferred from the client to the first server and on to the second server (column 5, lines 25-45)).

26. With regards to claim 26, Kirsch teaches a system wherein the affiliate Web server is further configured to fetch the content at the address sent by the third process and integrating the fetched content into a currently displayed page of the Web site (As stated earlier, the URL which contains the address and descriptions regarding the content to be viewed is transferred from the client to the first server and on to the second server (column 5, lines 25-45). The client is accessing the service/content from the second server and the second server is providing the service/content, hence it must be viewable on the Website page. Furthermore, Kirsch's design uses the Internet and HTTP, so the data is viewable on a Website page (column 6, lines 36-50).

Also, Kirsch states that the design allows for the process to be simplified for the user (client) by minimizing noticeable redirection (column 5, lines 45-51). Hence, it is inherent that the content to be viewed by the user (client) would be integrated into the website page being viewed).

27. With regards to claim 27, Kirsch teaches a system wherein the affiliate Web server is further configured to send the address of the content to the accessing computer and wherein the accessing computer is configured to fetch the content at the address sent by the affiliate Web server and to integrate the fetched content into a currently displayed page of the Web site (The URL which contains the address and descriptions regarding the content to be viewed is transferred from the client to the first server and on to the second server (column 5, lines 25-45). All parties participating in the processing of the network task thus possess the URL.

Furthermore, Kirsch states that the design allows for the process to be simplified for the user (client) by minimizing noticeable redirection (column 5, lines 45-51). Hence, it is inherent that the content to be viewed by the user (client) would be integrated into the website page being viewed).

28. With regards to claim 28, Kirsch teaches a system wherein the selected content includes at least one of an advertisement, a product recommendation and a link to another Web site (Kirsch's design contains a networks that connects to the Internet and follows HTTP protocol (column 6, lines 36-50). It is inherent that all data that is normally transferred through a network, is transferable within Kirsch's design that includes advertisements, links and recommendations as claimed).

29. With regards to claim 29, Kirsch teaches a system wherein the selected content includes a combination of the product recommendation and a deep link into said another Web site where

the recommended product is featured (Kirsch's design contains a networks that connects to the Internet and follows HTTP protocol (column 6, lines 36-50). It is inherent that all data that is normally transferred through a network, is transferable within Kirsch's design that includes recommendations and deep links as claimed).

30. With regards to claim 30, Kirsch teaches a system wherein an applicability of at least one of the plurality of rules of the rule base is selectively limited by at least one parameter (Kirsch's design allows for the server to have its program modified (column 5, line 65 – column 6, line 3)).

31. With regards to claim 31, Kirsch teaches a system wherein the at least one parameter includes time, date, geography, age, sex, income level, browser type and record of past purchases or inquiries (Kirsch's design allows for the server to have its program modified (column 5, line 65 – column 6, line 3)).

32. With regards to claim 32, Kirsch teaches a system further including a fourth process to update the database of user information based upon an activity of a user of the accessing computer (User data may be stored (column 5, lines 50-57) (column 7, lines 8-12) and it is stated that the data stored persistently).

33. With regards to claim 33, Kirsch teaches a system wherein the first process also collects, from the accessing computer, a request for the selected content along with the collected user identification data (The URL which contains the address and descriptions regarding the content to be viewed is transferred from the client to the first server and on to the second server (column 5, lines 25-45). It is available to the client still and the URL also contains user data).

34. With regards to claim 34, Kirsch teaches a system further including a rules engine configured to enable each of the plurality of rules to be customized and configured to enable a

creation of new rules (Kirsch's design allows for the modification of the servers' programs (column 5, line 65 – column 6, line 3)).

35. With regards to claim 35, Kirsch teaches a method of delivering personalized content from a first server to a computer accessing a second server, comprising the steps of: receiving a request for the personalized content from the accessing computer, the accessing computer having accessed a Web page that includes embedded code configured to send the request for personalized content to the first server over a computer network along with selected user identification data; retrieving user information corresponding to at least one of the user identification data and the accessed Web page from a database of user information accessible to the first server; applying the retrieved user information to a rule base including a plurality of rules; selecting content to be posted in the accessed Web page based upon a result of the application of the retrieved user information to at least one of the plurality of rules, and sending at least one of the selected content and an address of the selected content to the accessing computer for posting into the accessed Web page (Kirsch discloses a design where user specific to the user is obtained from a user's client machine (column 5, lines 25-45). A database is present within Kirsch's design to allow for the storage of such data external to the server (figure 2 and column 7, lines 8-12). In addition, the claimed actions of viewing contents of a second website from a second server when the client accesses only the first server is contained within Kirsch's design (column 5, lines 25-45). Furthermore, when accessing the services of the second server, the user data is already accessible by the second server as claimed (column 5, lines 51-57). Such processes inherently require the use of rules).

36. With regards to claim 36, Kirsch teaches a method wherein at least one of the plurality of rules is customizable (Kirsch's design allows for the modification of the servers' programs (column 5, line 65 – column 6, line 3)).

37. With regards to claim 37, Kirsch teaches a method wherein the user identification data is included in at least one file stored on the accessing computer (It is inherent that such data is stored in the client machine, for instance within the cache. Furthermore, Kirsch states that the client machine have means by which to store user data (column 7, lines 8-12)).

38. With regards to claim 38, Kirsch teaches a method wherein the at least one file is configured as a cookie and wherein the receiving step receives user identification data collected from the cookie stored on the accessing computer (It is inherent that a network will allow for data to be stored in the client machine. Especially a client machine on the Internet using a web browser (column 6, lines 36-50)).

39. With regards to claim 39, Kirsch teaches a method wherein the receiving step is carried out via HTTP and TCP/IP (Kirsch's design uses a network with HTTP and works with the Internet, hence TCP/IP is inherently present (column 6, lines 36-50)).

40. With regards to claim 40, Kirsch teaches a method wherein the selected content includes at least one of an advertisement, a product recommendation and a link to another Web site (Kirsch's design contains a networks that connects to the Internet and follows HTTP protocol (column 6, lines 36-50). It is inherent that all data that is normally transferred through a network, is transferable within Kirsch's design that includes advertisements, links and recommendations as claimed).

41. With regards to claim 41, Kirsch teaches a method wherein the selected content includes a combination of the product recommendation and a deep link into said another Web site where the recommended product is featured (Kirsch's design contains a networks that connects to the Internet and follows HTTP protocol (column 6, lines 36-50). It is inherent that all data that is normally transferred through a network, is transferable within Kirsch's design that includes recommendations and deep links as claimed).

42. With regards to claim 42, Kirsch teaches a method wherein an applicability of at least one of the plurality of rules of the rule base is selectively limited by at least one parameter (Kirsch's design allows for the server to have its program modified (column 5, line 65 – column 6, line 3)).

43. With regards to claim 43, Kirsch teaches a method wherein the at least one parameter includes time, date, geography, age, sex, income level, browser type and record of past purchases or inquiries (Kirsch's design allows for the server to have its program modified (column 5, line 65 – column 6, line 3)).

44. With regards to claim 44, Kirsch teaches a method further comprising the step of updating the database of user information based upon an activity of the accessing computer (User data may be stored (column 5, lines 50-57) (column 7, lines 8-12) and it is stated that the data stored persistently).


### ***- Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is 703-305-7209. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC

  
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